

Panaji, 24th December, 1987 (Pausa 3, 1909)

SERIES I No. 39

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

Law (Legal and Legislative Affairs) Department

#### Notification

LD/1/87(LAB) (Part file)

The Payment of Gratuity (Amendment) Act, 1987 (Act No. 22 of 1987) which was passed by Parliament and assented to by the President of India on 12th August, 1987 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 13th August, 1987, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 18th November, 1987.

The Payment of Gratuity (Amendment) Act, 1987

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ACT

further to amend the Payment of Gratuity Act, 1972.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Payment of Gratuity (Amendment) Act, 1987.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. *Amendment of section 2.*—In section 2 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act),—

(i) in clause (e),—

(a) for the words “one thousand and six hundred rupees per mensem”, the words “two thousand and five hundred rupees per mensem, or such higher amount as the Central Government may, having regard to the general level of wages, by notification, specify” shall be substituted;

(b) in the *Explanation*,—

(i) for the words “one thousand and six hundred rupees per mensem”, occurring for the first time, the words, brackets and letter “the amount for the time being specified by or under clause (e)” shall be substituted;

(ii) for the words “one thousand and six hundred rupees per mensem”, occurring at the remaining two places, the words “that amount” shall be substituted;

(ii) in clause (h),—

(a) in sub-clause (i), for the words “and the widow”, the words “and the dependent parents of his wife and the widow” shall be substituted,

(b) the proviso shall be omitted.

3. *Amendment of section 2A.*—In section 2A of the principal Act,—

(a) in clause (1), the words “imposing a punishment or penalty or” shall be omitted;

(b) in clause (2), the following *Explanation* shall be added at the end, namely:—

“*Explanation.*—For the purposes of clause (2), the number of days on which an employee has actually worked under an employer shall include the days on which—

(i) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946, or under the Industrial Disputes Act, 1947, or under any other law applicable to the establishment; 20 of 1946 14 of 1947

(ii) he has been on leave with full wages, earned in the previous year;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(iv) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twelve weeks.”

4. *Amendment of section 4.* — In section 4 of the principal Act,—

(a) in sub-section (1), for the second proviso, the following shall be substituted, namely:—

“Provided further that in the case of death of the employee, gratuity payable to him shall be paid to his nominee or, if no nomination has been made, to his heirs, and where any such nominees or heirs is a minor, the share of such minor, shall be deposited with the controlling authority who shall invest the same for the benefit of such minor in such bank or other financial institution, as may be prescribed, until such minor attain majority.”;

(b) in sub-section (2), the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—In the case of a monthly rated employee, the fifteen days’ wages shall be calculated by dividing the monthly rate of wages last drawn by him by twenty-six and multiplying the quotient by fifteen.”;

(c) in sub-section (3), for the words “twenty months’ wages”, the words “fifty thousand rupees” shall be substituted.

5. *Insertion of new section 4A.* — After section 4 of the principal Act, the following new section shall be inserted, namely:—

‘4A. *Compulsory insurance.* — (1) With effect from such date as may be notified by the appropriate Government in this behalf, every employer, other than an employer or an establishment belonging to, or under the control of, the Central Government or a State Government, shall, subject to the provisions of sub-section (2), obtain an insurance in the manner prescribed, for his liability for payment towards the gratuity under this Act, from the Life Insurance Corporation of India established under the Life Insurance Corporation of India Act, 1956 or any other prescribed insurer: 31 of 1956

Provided that different dates may be appointed for different establishments or class of establishments or for different areas.

(2) The appropriate Government may, subject to such conditions as may be prescribed, exempt every employer who had already established an approved gratuity fund in respect of his employees and who desires to continue such arrangement, and every employer employing five hundred or more persons who establishes an approved gratuity fund in the manner prescribed from the provisions of sub-section (1).

(2) The appropriate Government may, subject to such conditions as may be prescribed, exempt every employer who had already established an approved gratuity fund in respect of his employees and who desires to continue such arrangement, and every employer employing five hundred or more persons who establishes an approved gratuity fund in the manner prescribed from the provisions of sub-section (1).

(3) For the purpose of effectively implementing the provisions of this section, every employer shall within such time as may be prescribed, get his establishment registered with the controlling authority in the prescribed manner and no employer shall be registered under the provisions of this section unless he has taken an insurance referred to in sub-section (1) or has established an approved gratuity fund referred to in sub-section (2).

(4) The appropriate Government may, by notification, make rules to give effect to the provisions of this section and such rules may provide for the composition of the Board of Trustees of the approved gratuity fund and for the recovery by the controlling authority of the amount of the gratuity payable to an employee from the Life Insurance Corporation of India or any other insurer with whom an insurance has been taken under sub-section (1), or as the case may be, the Board of Trustees of the approved gratuity fund.

(5) Where an employer fails to make any payment by way of premium to the insurance referred to in sub-section (1) or by way of contribution to an approved gratuity fund referred to in sub-section (2), he shall be liable to pay the amount of gratuity due under this Act (including interest, if any, for delayed payments) forthwith to the controlling authority.

(6) Whoever contravenes the provisions of sub-section (5) shall be punishable with fine which may extend to ten thousand rupees and in the case of a continuing offence with a further fine which may extend to one thousand rupees for each day during which the offence continues.

*Explanation.*—In this section “approved gratuity fund” shall have the same meaning as in clause (5) of section 2 of the Income-tax Act, 1961.’

43 of 1961.

6. *Amendment of section 5.* — In section 5 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) A notification issued under sub-section (1) or sub-section (2) may be issued retrospectively a date not earlier than the date of commencement of this Act, but no such notification shall be issued so as to prejudicially affect the interests of any person.”.

7. *Amendment of section 7.* — In section 7 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) The employer shall arrange to pay the amount of gratuity within thirty days from the date it becomes payable to the person to whom the gratuity is payable.

(3A) if the amount of gratuity payable under sub-section (3) is not paid by the employer within the period specified in sub-section (3), the employer shall pay, from the date on which the gratuity becomes payable to the date on which it is paid, simple interest at such rate, not exceeding the rate notified by the Central Government from time to time for repayment of long-term deposits, as that Government may, by notification specify:

Provided that no such interest shall be payable if the delay in the payment is due to the fault of the employee and the employer has obtained permission in writing from the controlling authority for the delayed payment on this ground."

8. *Amendment of section 8.*—In section 8 of the principal Act,—

(a) for the words "at the rate of nine per cent. per annum", the words "at such rate as the Central Government may, by notification, specify" shall be substituted;

(b) the following provisos shall be added at the end, namely:—

"Provided that the controlling authority shall, before issuing a certificate under this section, give the employer a reasonable opportunity of showing cause against the issue of such certificate:

Provided further that the amount of interest payable under this section shall, in no case

exceed the amount of gratuity payable under this Act."

9. *Amendment of section 9.*—In section 9 of the principal Act,—

(a) in sub-section (1), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted;

(b) in sub-section (2),—

(i) for the words "which may extend to one year, or with fine which may extend to one thousand rupees, or with both", the following shall be substituted, namely:—

"which shall not be less than three months but which may extend to one year, or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees, or with both";

(ii) in the proviso, for the words "three months", the words "six months but which may extend to two years" shall be substituted.

#### Notification

LD/1/87(LAB)(Part file)

The Appropriation (No. 4) Act, 1987 (Act No. 33 of 1987) which was passed by Parliament and assented to by the President of India on 8th September, 1987 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 9th September, 1987 is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).  
Panaji, 24th November, 1987.

#### The Appropriation (No. 4) Act, 1987

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ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1987-88.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Appropriation (No. 4) Act, 1987.

2. *Issue of Rs. 687,77,00,000 out of the Consolidated Fund of India for the year 1987-88.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of six hundred and eighty-seven crores and seventy-seven lakhs rupees towards defraying the several charges which will come in course of payment during the financial year 1987-88, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

#### THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
2	Other Services of Department of Agriculture and Co-operation ... ..	Revenue	1,00,000	1,00,000
		Capital	50,00,000	50,00,000
7	Department of Supply ... ..	Revenue	12,00,000	12,00,000
10	Telecommunication Services ... ..	Capital	1,00,000	1,00,000
18	Department of Power ... ..	Revenue	1,00,000	1,00,000
21	Ministry of External Affairs ... ..	Revenue	18,38,00,000	18,38,00,000
22	Department of Economic Affairs ... ..	Revenue	9,00,000	9,00,000
		Capital	121,54,00,000	121,54,00,000

1	2	3		
		Rs.	Rs.	Rs.
23	Currency, Coinage and Stamps ... .. Revenue	..	5,00,000	5,00,000
24	Payments to Financial Institutions ... .. Capital	153,14,00,000	..	153,14,00,000
27	Transfers to State Governments ... .. Revenue	100,68,00,000	..	100,68,00,000
	Capital	..	216,56,00,000	216,56,00,000
40	Cabinet ... .. Revenue	4,00,00,000	..	4,00,00,000
42	Other Expenditure of the Ministry of Home Affairs ... .. Revenue	5,00,00,000	..	5,00,00,000
44	Department of Education ... .. Revenue	1,00,00,000	..	1,00,00,000
46	Art and Culture ... .. Revenue	5,00,00,000	..	5,00,00,000
49	Department of Company Affairs ... .. Revenue	..	1,19,00,000	1,19,00,000
52	Ministry of Information and Broadcasting ... Revenue	..	2,00,000	2,00,000
53	Broadcasting Services ... .. Revenue	78,00,000	..	78,00,000
55	Law and Justice ... .. Revenue	..	2,50,00,000	2,50,00,000
58	Ministry of Petroleum and Natural Gas ... Revenue	52,97,00,000	..	52,97,00,000
	Capital	1,18,00,000	..	1,18,00,000
64	Department of Biotechnology ... .. Capital	2,00,00,000	..	2,00,00,000
66	Department of Mines ... .. Revenue	2,00,000	..	2,00,000
69	Surface Transport ... .. Revenue	1,00,000	..	1,00,000
77	Ministry of Welfare ... .. Revenue	2,00,00,000	..	2,00,00,000
Total:		466,82,00,000	220,95,00,000	687,77,00,000

### Notification

LD/1/87/LAB/Part file

The Constitution (Fifty-seventh Amendment) Act, 1987 which was passed by Parliament and assented to by the President of India on 15th September, 1987 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 15th September, 1987 is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 30th November, 1987.

### The Constitution (Fifty-Seventh Amendment) Act, 1987

AN

ACT

*further to amend the Constitution of India.*

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Constitution (Fifty-seventh Amendment) Act, 1987.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of article 332.*— (1) In article 332 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

“(3A) Notwithstanding anything contained in clause (3) until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the year 2000, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya,

Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be,—

(a) if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;

(b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of member belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.”.

(2) The amendment made to article 332 of the Constitution by section (1) shall not affect any representation in the Legislative Assembly of the State of Arunachal Pradesh or the Legislative Assembly of the State of Meghalaya or the Legislative Assembly of the State of Mizoram or the Legislative Assembly of the State of Nagaland until the dissolution of the Legislative Assembly of the State of Arunachal Pradesh or the Legislative Assembly of the State of Meghalaya or the Legislative Assembly of the State of Mizoram or the Legislative Assembly of the State of Nagaland existing at the commencement of this Act.

### Notification

7-22-87/LA

The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1987 (Goa Act No. 8 of 1987) which has been passed by the Legislative Assembly on 23-7-1987 and assented to by the

Governor of Goa on 25-11-1987, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 2nd December, 1987.

The Goa Buildings (Lease, Rent and Eviction) Control  
(Amendment) Act, 1987

(Act No. 8 of 1987) [25-11-1987]

AN

ACT

to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Thirty-eighth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1987.

(2) It extends, in the first instance, to the cities of Panaji, Margao, Mapusa and Vasco (including the harbour area) in the State of Goa but the Government may, from time to time, by notification in the Official Gazette extend this Act or any provision thereof to any other area in the State.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. **Amendment of section 2.**—In clause (1) of section 2 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969) (hereinafter referred to as the "principal Act"), for sub-clause (i), the following sub-clause shall be substituted, namely:—

"(i) in relation to a landlord who is an individual, his spouse, son, daughter and includes father, mother, grandson solely dependent on the landlord for maintenance:

Provided that in the case of married daughter, her husband shall not be entitled to claim any benefit under section 5, if his wife has already got the said benefit thereunder and in case her husband has already got the said benefit, the married daughter shall not be entitled to claim the same".

3. **Amendment of section 23A.**—For sub-section (3) of section 23A of the principal Act, the following sub-section shall be substituted, namely:—

(3) Notwithstanding anything contained in this Act,—

(a) a landlord, who is a member of the armed forces of the Union or who is an employee of the Central or the State Government or Railways or who was such member or employee as the case may be, and is duly retired (which term

shall include premature retirement) shall be entitled to recover possession of any premises on the ground that the premises are bonafide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation ordinarily residing with him and dependent on him) and the Controller shall pass an order for eviction on such ground if the landlord at the hearing of the suit, produces a certificate signed by the Head of his Services or his Commanding Officer or by the Head of his Department as the case may be, to the effect that—

(i) he is presently a member of the armed forces of the Union or employee of the Central or the State Government or Railways or he was such member or employee as the case may be, and is now retired ex-serviceman or employee as the case may be;

(ii) he does not possess any other suitable residence in the local area where he or the members of his family can reside;

(b) where a member of the armed forces of the Union or employee of the Central or the State Government or Railways as the case may be, dies while in service or such member is duly retired as stated above and dies within five years of his retirement, his widow who is or becomes a landlord of any premises, shall be entitled to recover possession of such premises, on the ground that the premises are bonafide required by her for occupation by herself or any member of her family (which term shall include her husband's parent or other relation ordinarily residing with her) and the Controller shall pass an order for eviction on such ground, if such widow at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander or by her Head of Department within whose jurisdiction the premises are situated to the effect that—

(i) she is a widow of a deceased member of the armed forces or the employee of the Central or the State Government or Railways as the case may be;

(ii) she does not possess any other suitable residence in the local area where she or the members of her family can reside.

*Explanation 1.*—For the purposes of this sub-section any certificate granted thereunder shall be conclusive evidence of the facts stated therein.

*Explanation 2.*—For the purpose of clause (a) of this sub-section the expression "the Head of his Services" in the case of officers retired from the Indian Navy includes the Flag Officer-in-Chief, Western Naval Command and in the case of officers retired from the Indian Air Force includes the Station Commander.

Secretariat,

Panaji, Goa.

2nd December, 1987.

(M. RAGHUCHANDER)

Secretary to the Government

of Goa

Law Department (Legal Affairs)

## Notification

LD/1/87(LAB) (Part file)

The Representation of the People (Second Amendment) Act, 1987 (Act No. 38 of 1987) which was passed by Parliament and assented to by the President of India on 15th September, 1987 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 15th September, 1987 is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 4th December, 1987.

The Representation of the People (Second Amendment) Act, 1987

AN

ACT

*further to amend the Representation of the People Act, 1950.*

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Representation of the People (Second Amendment) Act, 1987.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of Act 43 of 1950.*— In the Representation of the People Act, 1950, after section 9 and before the sub-heading "*The State Legislative Councils*", the following section shall be inserted, namely:—

'9A. *Power of Election Commission to determine the constituencies to be reserved for Scheduled Tribes in certain States.*— (1) As soon as may be after the coming into force of the Representation of the People (Second Amendment) Act, 1987, the Election Commission shall, having regard to the provisions of the Constitution and the principle specified in clause (d) of sub-section (1) of section 9 of the Delimitation Act, 1972, determine the assembly

76 of 1972.

ly constituencies in the States of Meghalaya, Mizoram and Nagaland in which seats shall be reserved for the Scheduled Tribes.

(2) The Election Commission shall,—

(a) publish its proposals under sub-section (1) with respect to any State in the Official Gazette and also in such other manner as it thinks fit;

(b) specify a date on or after which the proposals will be further considered by it;

(c) consider all objections and suggestions which may have been received by it before the date so specified;

(d) hold, for the purpose of such consideration if it thinks fit so to do, one or more public sittings at such place or places in such State as it thinks fit;

(e) after considering all objections and suggestions which may have been received by it before the date so specified, determine, by order, the assembly constituency or constituencies in the State in which seats shall be reserved for the Scheduled Tribes and cause such order to be published in the Official Gazette; and, upon such publication, the order shall have the full force of law and shall not be called in question in any court and the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, or, as the case may be, the Mizoram (Delimitation of Assembly Constituencies) Order, 1986 shall be deemed to have been amended accordingly.

(3) Every order made under sub-section (2) shall, as soon as may be after it is published under that sub-section, be laid before the Legislative Assembly of the State concerned.

*Explanation.*— For the purposes of this section, "assembly constituency" means,—

(a) in relation to the States of Meghalaya and Nagaland, the assembly constituencies in those States as specified in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976; and

(b) in relation to the State of Mizoram, the assembly constituencies as specified in the Mizoram (Delimitation of Assembly Constituencies) Order, 1986.